

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed  
Amendments to Rules Governing the  
Adoption of the 2006 International  
Residential Code, Minnesota Rules,  
Chapter 1309, and Repeal of Rule Parts  
1309.0312, 1309.0315, 1309.1316,  
1309.0322, 1309.0506, and 1309.0703,  
Subparts 1, 2, 4, 5, 6, 7, and 8.

**AMENDED REPORT OF THE  
ADMINISTRATIVE LAW JUDGE**

The Administrative Law Judge is issuing an amended report to correct clerical and typographical errors in the report that was issued on March 23, 2007 pursuant to Minn. R. 1400.8300. All of the clerical and typographical errors are in the Findings and not the footnotes associated with these Findings. The following corrected Findings therefore omit the footnote references.

1. There are two typographical errors in Finding 62. A semicolon was missing from the end of number "2" and a period was missing from the end of number "3." Finding 62 is corrected to read:

62. The Department agrees that Table R301.5, footnote g, should be modified. The revised footnote g reads:

For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any truss member, provided that each of the following criteria is met:

1. The attic area is accessible by a pull-down stairway or framed opening in accordance with Section R807.1; and
2. The truss has a bottom chord pitch less than 2:12;
3. Required insulation depth is less than the bottom

chord member depth.

The bottom chords of trusses meeting the above criteria for limited storage shall be designed for the greater of the actual imposed dead load or 10 psf, uniformly distributed over the entire span.

2. There is a clerical error in Finding 91. The quoted language is only a portion of Exhibit L-8. Finding 91 is corrected to read:

91. At the hearing, the Department offered Exhibit L-8, which is an amendment to R317.1. It reads, in relevant part:

R317.1 Two-family dwellings. Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than 1-hour fire-resistance rating when tested in accordance with ASTM E 119. Fire-resistance rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing. Separation shall extend through enclosed soffits, overhangs and similar projections.

...

3. There is a clerical error in Finding 93. The quoted language was only a portion of Exhibit L-8. Finding 93 is corrected to read:

93. After reviewing the comment the Division agreed and deleted a sentence in the first paragraph of R317.1, while retaining the remaining text of Exhibit L-8. The first paragraph of R317.1 was modified to read, in relevant part:

R317.1 Two-family dwellings. Dwelling units in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than 1-hour fire-resistance rating when tested in accordance with ASTM E 119. Fire-resistance rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing.

...

4. At Finding 104, line "b," there is a typographical error, a missing "R" designation. The finding also has two clerical errors. The word "structure" should be made plural in the first sentence, and the word "on" should replace the word "in" on line "d." Finding 104 is corrected to read:

104. After the hearing, the Division determined that it would modify R403.1.4.1 to address BAM's concerns as follows:

R403.1.4.1 Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

- a. Extended below the frost line specified in Table R301.2.(1);
- b. Constructing in accordance with Section R403.3;
- c. Constructing in accordance with ASCE 32;
- d. Erected on in solid rock; or
- e. Constructing in accordance with chapter 1303.

Exception: Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

5. There is a clerical error in Finding 106. The correct citation is “R403.2.4.1.” Finding 106 is corrected to read:

106. The proposed amendments to R403.2.4.1, modified as described in the prior Findings, have been shown to be needed and reasonable. The modification does not result in rules that are substantially different from the rule as originally proposed.

6. There is a clerical error in Finding 132. The correct citation in the first sentence is “R613.2.” A clarifying phrase is also inserted. Finding 132 is corrected to read:

132. After further consultation with WDMA, the Department has decided to delete Section R613.2 of the 2006 IRC, as well as modifying R613.1, as noted in the preceding Finding. The Department acknowledges that several states had deleted this code provision and the Minnesota Legislature is considering requiring “safety screen” material on windows. The Department now proposes to delete R613.2 in its entirety.

7. There is a clerical error in Finding 133. The correct citation is “R613.2.” A clarifying phrase is also inserted. Finding 133 is corrected to read:

133. The ALJ finds that the Department’s modification of R613.1 and the deletion of R613.2 is are needed and reasonable. The modifications do not result in rules that are substantially different from the rule as originally proposed.

8. There is a clerical error in Finding 161. The Exception text incorrectly quoted language contained in the Department’s February 15, 2007 letter. Finding 161 is corrected to read:

161. The Department agreed with BAM’s suggestion. In its February 15, 2007 letter, the Department proposed modification to R703.7.4.2 which reads:

R703.7.4.2 Air Space. The veneer shall be separated from the sheathing by an air space of a minimum of a nominal 1 inch (25 mm) but not more than 4 ½ inches (114 mm).

Exception: One layer of water-resistive barrier complying with R703.2 is permitted when a drainage space that allows bulk water to flow freely behind the cladding is provided.

Dated this 6<sup>th</sup> day of April, 2007

\_\_\_\_\_/s/\_\_\_\_\_  
RICHARD C. LUIS  
Administrative Law Judge